



SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 29435S **DATE: October 5, 2005**
RESPONSE REQUIRED BY: October 24, 2005

PERMIT MANAGER: Cynthia Jo Fowler

PHONE: 415-977-8617

Email: Cynthia.j.fowler@spd.usace.army.mil

1. INTRODUCTION: BP Lubricants USA, Inc., 801 Wharf Street, Richmond, California, 94804 ((510) 236-6312), through their agent Weiss Associates, 5801 Christie Avenue, Suite 600, Emeryville, California, 94608 ((510) 450-6169), has applied for a United States Army Corps of Engineers (Corps) permit to stabilize approximately 360 linear (21,000 square feet) of shoreline by partially removing and/or repairing damaged riprap and installing approximately 3,400 cubic yards of engineered geotextile fabric and riprap; of which approximately 2,700 cubic yards would be placed below Mean Higher High Water (MHHW). The toe of the engineered geotextile fabric and riprap would be placed between -10 and -30 feet Mean Lower Low Water (MLLW) and the top would be at an elevation of approximately 9.5 feet above MLLW. The proposed bank stabilization project would be located along a portion of the shoreline of the Santa Fe Channel, 801 Wharf Street, in the City of Richmond, Contra Costa County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. PROPOSED PROJECT:

Project Site: The proposed bank stabilization project would be located immediately adjacent to the BP-Castrol refining and bottling plant, along the

south bank of the northwestern end of the Santa Fe Channel, 801 Wharf Street, City of Richmond, Contra Costa County, California (37° 55' 20" N, 122° 22' 26" W; San Quentin and Richmond 7.5 minute USGS topographic maps (*See Figures 1 and 2*).

The project site is an industrialized port setting located along south side of Santa Fe Turning Basin. Several private marinas, various loading docks, boatyards, and onshore industrial facilities are located in the immediate vicinity. Much of the shoreline material is composed of degrading earthen fill, rock riprap, and/or solid man-made materials, such as concrete seawalls. A series of manifolds, an access trestle, and a pipeway and pier leading to a loading platform with two mooring dolphins are the only structures within or adjacent to the project site.

Three basic habitat types exist at the project site; these include the following: upland portions that extend inland from the upper boundary of the intertidal zone to the top of the bank. Vegetation within this area consists of non-native grassland, other ruderal vegetation, and small patches of typical upland-marsh species, such as pickleweed (*Salicornia virginica*), saltgrass (*Distichlis spicata*), coastal gumweed (*Grindelia latifolia*), and sea lavender (*Limonium californicum*). Intertidal areas consist of unconsolidated sediment overlain with rock cobble and pebble; although most of this habitat type is absent of vegetation, small patches of

pickleweed are present in the upper elevations and below the MHHW. Shallow/open water characterizes the lowest elevations of the project site and extends out beyond the project boundary. The existing wetland vegetation is rather sparse and the habitat quality is poor as the area is surrounded by industry and there is no migration corridor for wildlife species to more suitable habitat.

Historically, the project site had groundwater contaminated with chlorinated volatile organic compounds (VOCs) and hydrocarbons. It has been under regulatory jurisdiction of the California Department of Toxic Substances Control (DTSC) and the San Francisco Bay Regional Water Quality Control Board (RWQCB) since the early 1980s.

Project Description: As shown in the attached drawings, the applicant plans to stabilize approximately 360 linear feet of eroding shoreline. Construction activities include the removal of approximately 540 square feet of wetland vegetation and the installation of approximately 3,400 cubic yards of engineered geotextile fabric and riprap (fill material). Of the 3,400 cubic yards of fill material, approximately 2,700 would be placed below the MHHW. Engineered riprap would be composed of a layer of geotextile fabric, four-inch rock, 12-inch rock, and 250-pound armor stone.

Fill material would be installed by hand along the shoreline. Land-based excavators with extended reach buckets would be used to place riprap and light rock backing in a controlled manner near the shoreline. Riprap installed near the toe may require the use of a barge and small crane. As part of the proposed project, approximately 540 square feet of wetland vegetation (pickleweed, saltgrass, and gum plant) would be removed from the project area prior to installation of fill material.

Purpose and Need: The purpose of the proposed project is to stabilize the existing shoreline.

Impacts: The proposed project would result in 2,700 cubic yards (0.38 acres) of fill material (engineered geotextile material and riprap) placed into a water of the United States. On average, approximately 7.5 cubic yards of fill material per linear foot would be installed below the MHHW.

Mitigation: Due to the denuded and fragmented nature of the wetland vegetation that exists in the project area and the heavy industrialization of the surrounding areas, mitigation for the loss of 540 square feet of wetland vegetation would not be mitigated for. However, it is expected that the bank stabilization project would ultimately improve water quality in the project area.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered

species or its designated critical habitat. For the most part, the wetland areas are not suitable for most terrestrial or special status aquatic species as the area is heavily denuded and fragmented and provides no migration corridor to suitable wildlife habitat.

Informal consultation with the NMFS commenced on April 12, 2005. Informal consultation was conducted to analyze the potential impacts to Central California Coast (ESU) Steelhead (*Oncorhynchus mykiss*) (FT), winter-run Chinook salmon (*O. tshawytscha*) (FE), spring-run Chinook salmon (*O. tshawytscha*) (FT), harbor seal (*Phoca vitulina*), and California sea lion (*Zalophus californianus*). In their April 12, 2005, response to informal Section 7 consultation, NMFS concurred with the Corps that the above-listed species are not likely to be adversely affected by the proposed project.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Specific EFH that could be affected by the proposed project include the Pacific Groundfish Fishery Management Plan (FMP), Coastal Pelagics FMP, and Pacific Coast Salmon FMP. Coordination with the NMFS in regard to EFH was initiated concurrently with the ESA consultation. Due to the highly industrialized nature of the project site and the lack of appropriate habitat, on April 12, 2005, NMFS concluded that EFH is not likely to be adversely affected by the proposed project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality

certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act. Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)).

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be direct to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, CA 94111.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to

occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant

to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Cynthia Jo Fowler of our office at telephone 415-977-8617 or E-mail: cynthia.j.fowler@spd.usace.army.mil.

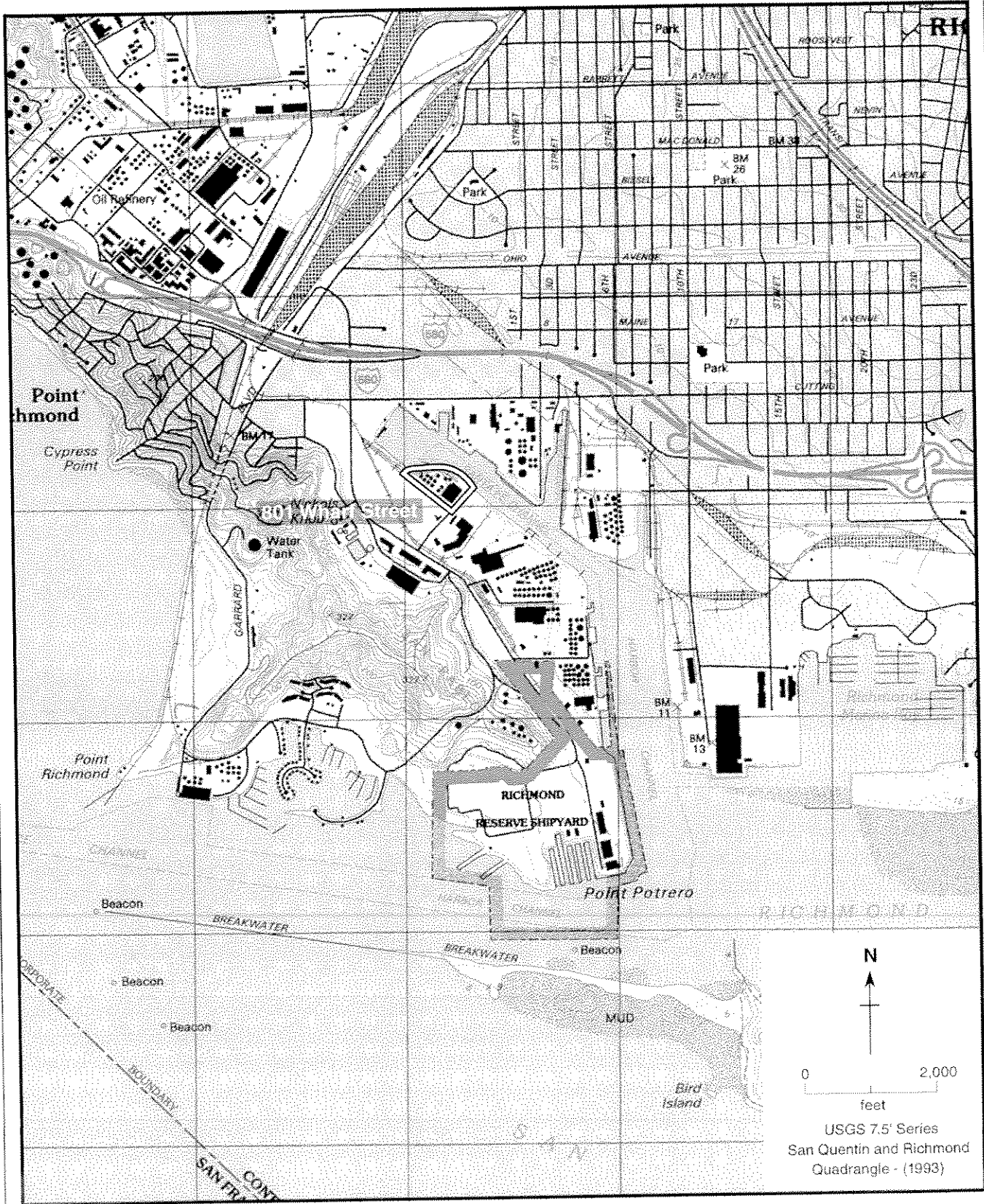
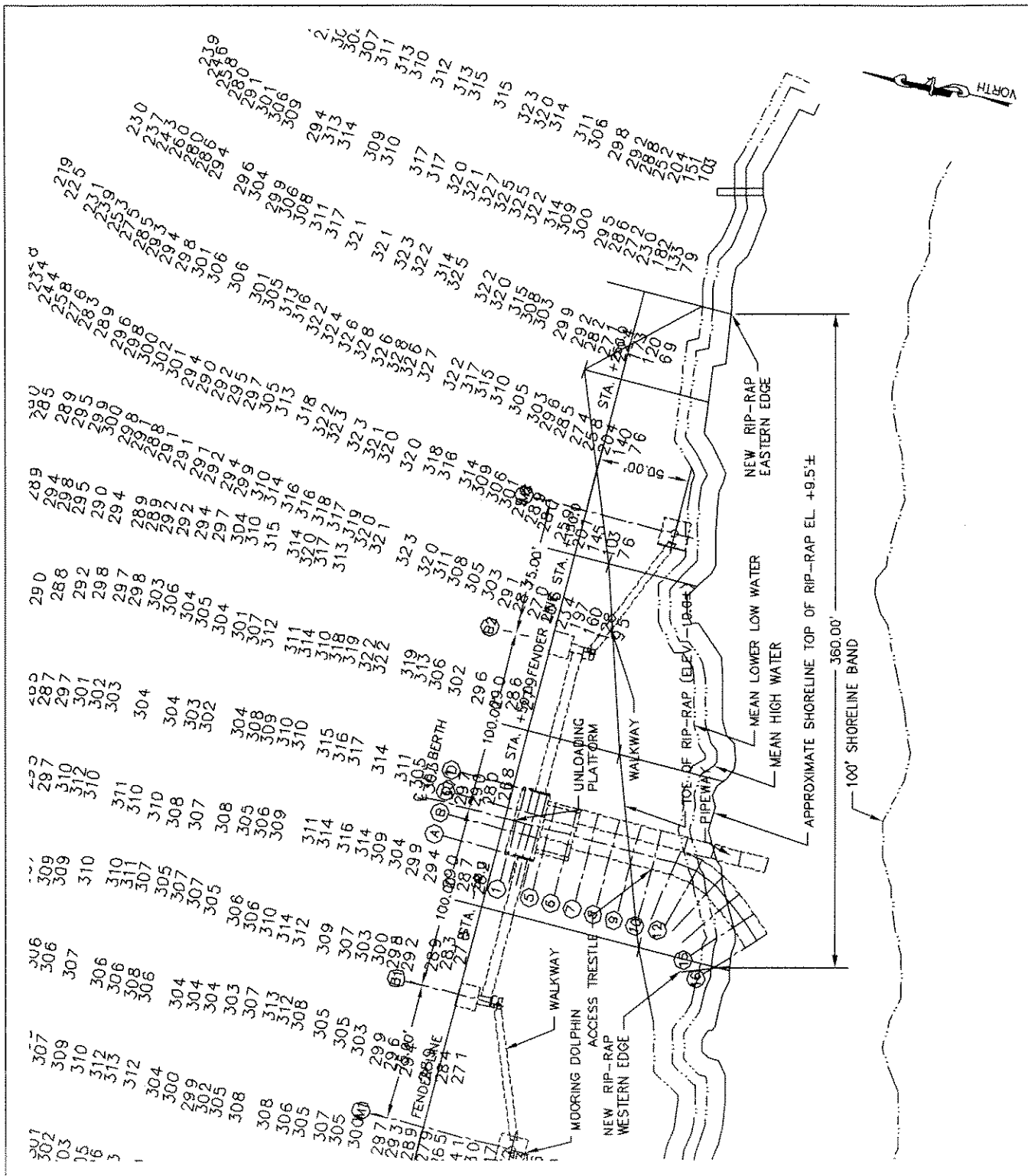


Figure 1. Site Vicinity Map. BP Lubricants USA, Inc., 801 Wharf Street, Richmond, California



PURPOSE: IMPROVE BANK STABILITY
AND SAFETY

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. SUGARDOCK 800 WHARF STREET
RICHMOND, CA 94804

2. ATCHISON AND SANTA FE RAILROAD
PROPERTY DEPARTMENT, P.O. BOX 1738
TOPEKA, KANSAS 66601

RIP-RAP IMPROVEMENT PLAN



BP LUBRICANTS USA
210 WHARF STREET
RICHMOND, CA 94804

PROPOSED WHARF RIP-RAP IMPROVEMENTS

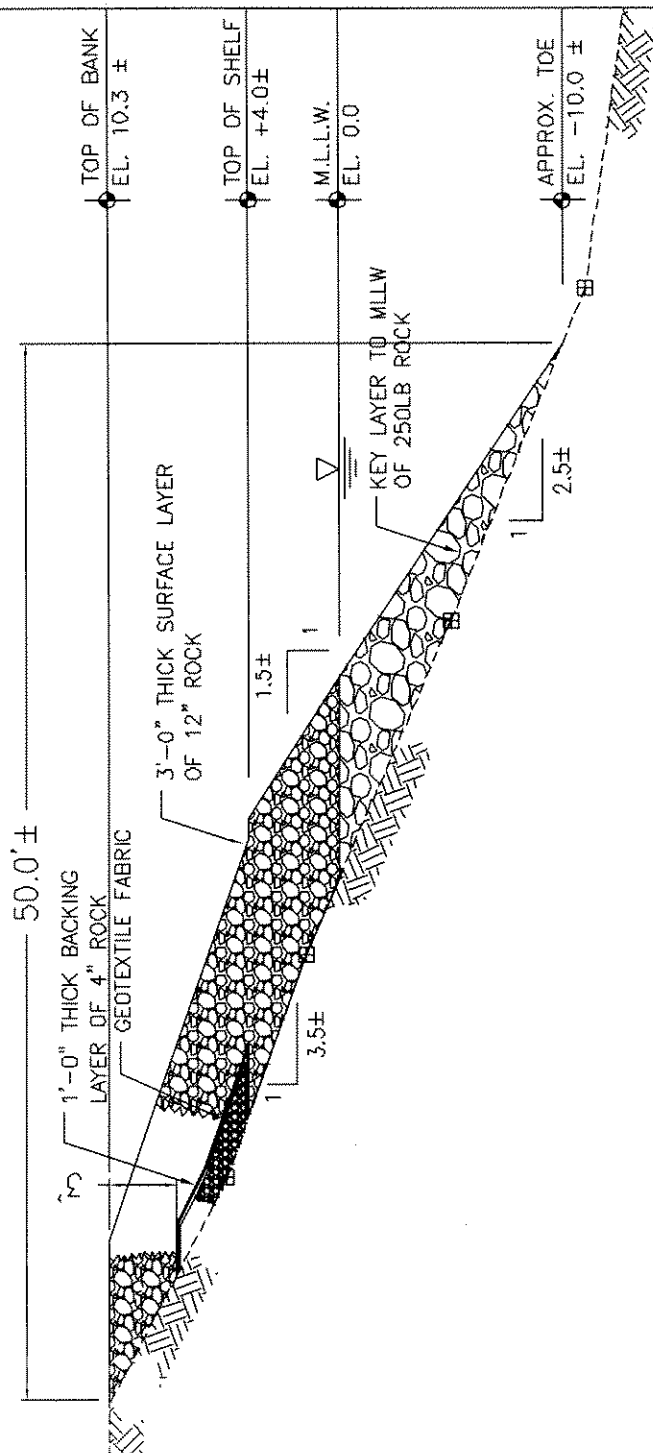
IN: SANTA FE CHANNEL

AT: RICHMOND

COUNTY OF CONTRA COSTA, STATE: CA
APPLICATION BY: BP LUBRICANTS RICHMOND

SHEET 2 OF 6

DATE: 12-13-04



RIP RAP SECTION AT STA -50.0

PURPOSE: IMPROVE BANK STABILITY AND SAFETY

DATUM: MLLW
 ADJACENT PROPERTY OWNERS:
 1. SUGARDOCK 800 WHARF STREET
 RICHMOND, CA 94804
 2. ATCHISON AND SANTA FE RAILROAD
 PROPERTY DEPARTMENT, P.O.BOX 1738
 TOPEKA, KANSAS 66601

RIP-RAP SECTION



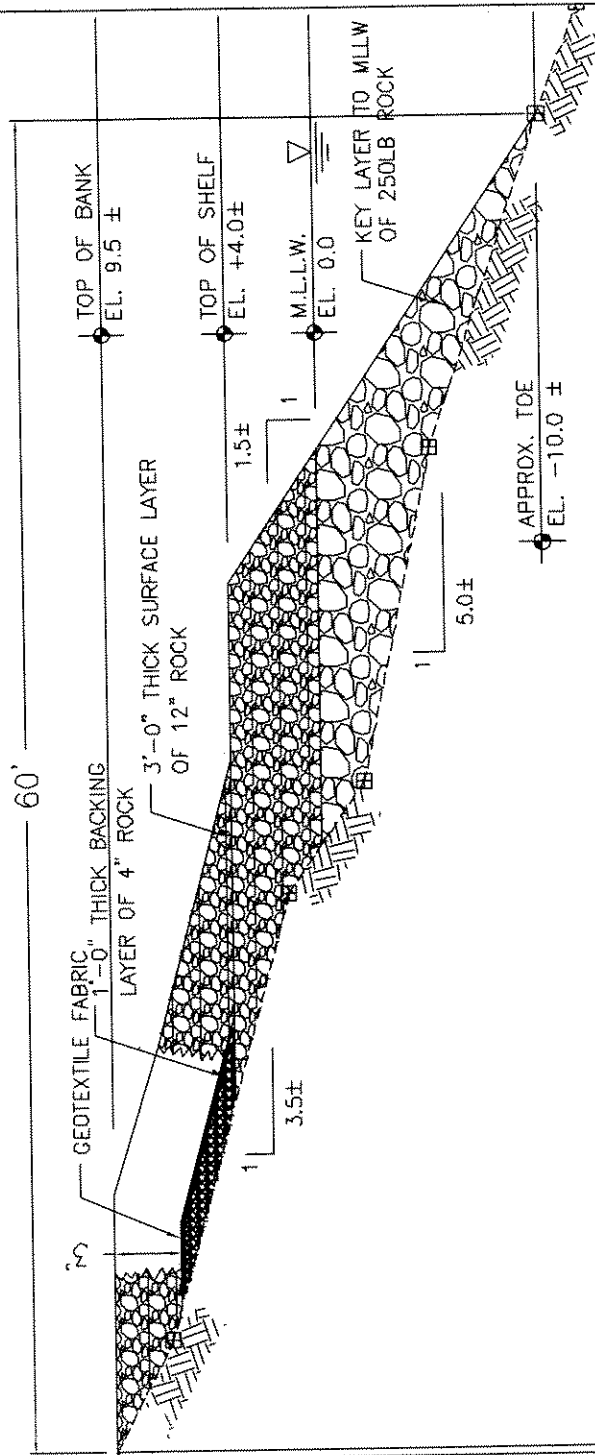
BP LUBRICANTS USA
 210 WHARF STREET
 RICHMOND, CA 94804

PROPOSED WHARF RIP-RAP IMPROVEMENTS

IN: SANTA FE CHANNEL
 AT: RICHMOND
 COUNTY OF CONTRA COSTA, STATE: CA
 APPLICATION BY: BP LUBRICANTS RICHMOND

SHEET 3 OF 6

DATE: 12-13-04



RIP RAP SECTION AT STA +50.0

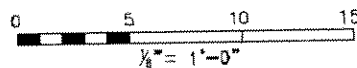
PURPOSE: IMPROVE BANK STABILITY
AND SAFETY

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. SUGARDOCK 800 WHARF STREET
RICHMOND, CA 94804
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PROPERTY DEPARTMENT, P.O.BOX 1738
TOPEKA, KANSAS 66601

RIP-RAP SECTION



BP LUBRICANTS USA
210 WHARF STREET
RICHMOND, CA 94804

PROPOSED WHARF RIP-RAP IMPROVEMENTS

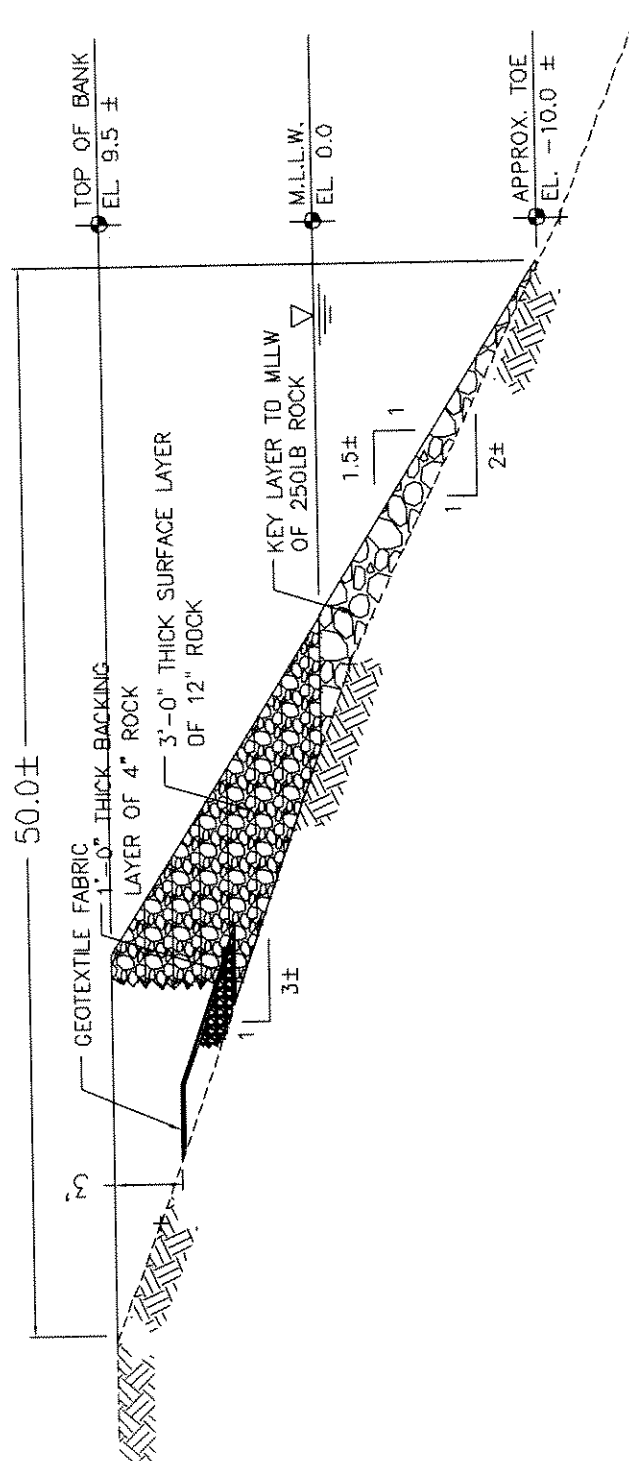
IN: SANTA FE CHANNEL

AT: RICHMOND

COUNTY OF CONTRA COSTA, STATE: CA
APPLICATION BY: BP LUBRICANTS RICHMOND

SHEET 4 OF 6

DATE: 12-13-04

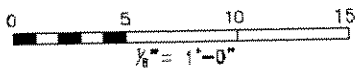


RIP RAP SECTION AT STA +150.0

PURPOSE: IMPROVE BANK STABILITY
AND SAFETY

DATUM: MLLW
ADJACENT PROPERTY OWNERS:
1. SUGARDOCK 800 WHARF STREET
RICHMOND, CA 94804
2. ATCHISON AND SANTA FE RAILROAD
PROPERTY DEPARTMENT, P.O. BOX 1738
TOPEKA, KANSAS 66601

RIP-RAP SECTION



BP LUBRICANTS USA
210 WHARF STREET
RICHMOND, CA 94804

PROPOSED WHARF RIP-RAP IMPROVEMENTS

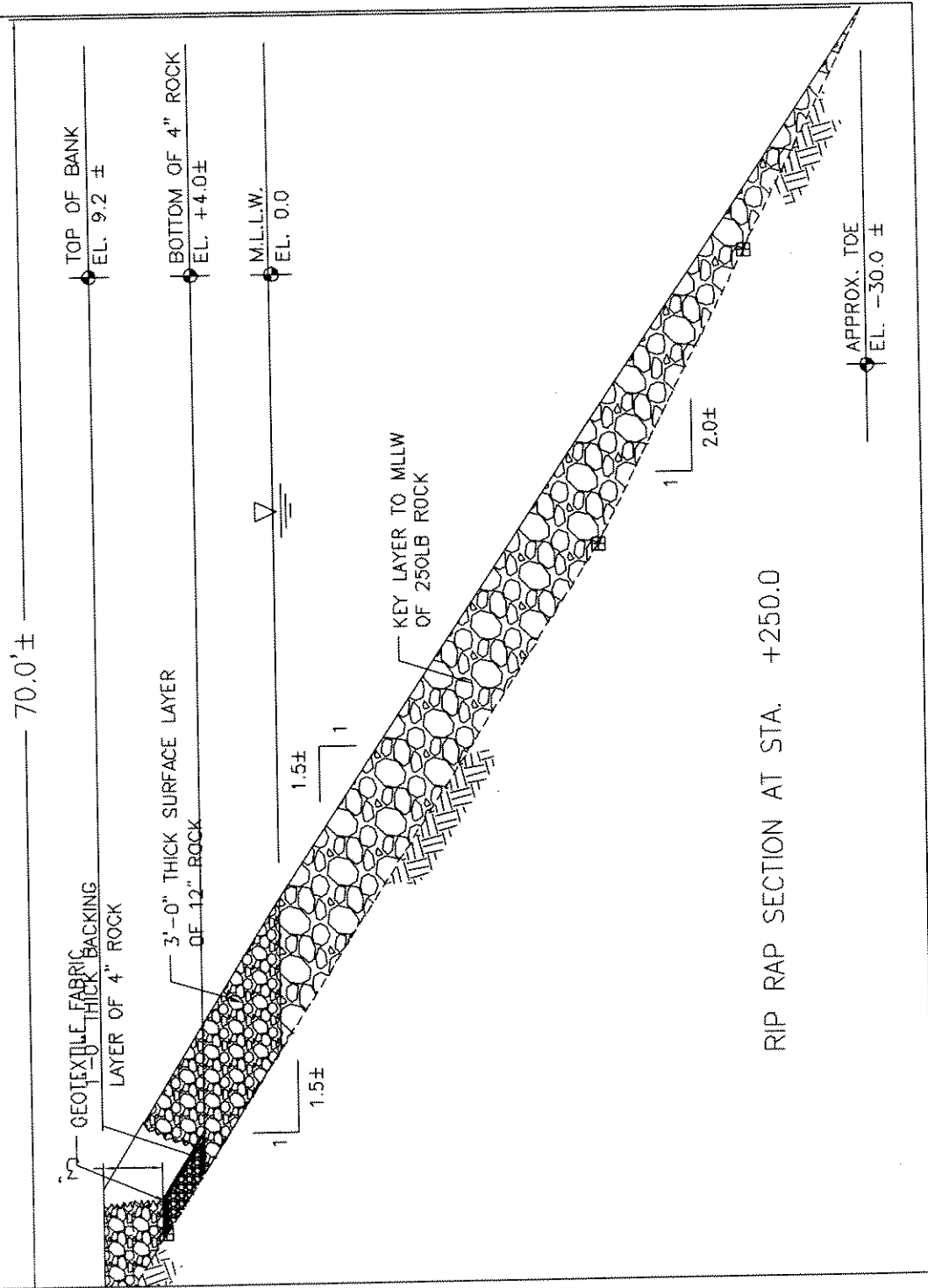
IN: SANTA FE CHANNEL

AT: RICHMOND

COUNTY OF CONTRA COSTA, STATE: CA
APPLICATION BY: BP LUBRICANTS RICHMOND

SHEET 5 OF 8

DATE: 12-13-04



RIP RAP SECTION AT STA. +250.0

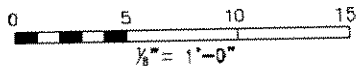
PURPOSE: IMPROVE BANK STABILITY
AND SAFETY

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

1. SUGARDOCK 800 WHARF STREET
RICHMOND, CA 94804
2. ATCHISON AND SANTE FE RAILROAD
PROPERTY DEPARTMENT, P.O. BOX 1738
TOPEKA, KANSAS 66601

RIP-RAP SECTION



BP LUBRICANTS USA
210 WHARF STREET
RICHMOND, CA 94804

PROPOSED WHARF RIP-RAP IMPROVEMENTS

IN: SANTA FE CHANNEL

AT: RICHMOND

COUNTY OF CONTRA COSTA, STATE: CA
APPLICATION BY: BP LUBRICANTS RICHMOND

SHEET 6 OF 6

DATE: 12-13-04